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Boston, MA 02110

In re Application of
Ruvkun et al.
Application No. 09/205,658
Patent No. 6,861,256
Filed: Dec. 2, 1998 (CPA 1/10/01)

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: LETTER REGARDING PTA
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This decision is in response to Applicants' "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT" asserting that applicants believe that they received too much PTA at the time of the mailing of the issuance of the patent.

The Office thanks applicants for their good faith and candor in bring this matter to the attention of the Office.

Applicants letter is **GRANTED**. The Office will adjust the PTA at the time of the mailing of the issuance of the patent from a determination of 351 days to a determination of 197 days. In addition, the Office will *sua sponte* issue a certificate of correction to reflect the proper determination.

Applicants submitted a letter to the Office suggesting that too much patent term adjustment may have been granted and applicants requested that the Office review the calculation for accuracy.

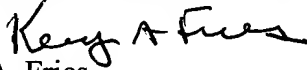
The Office agrees that too much PTA was awarded at the time of the issuance of the patent. The Office has reviewed the calculation and has determined that 154 days of patent term adjustment that was awarded is in error. The Office notes that applicants filed an RCE on October 31, 2003. The Office responded to such notice of January 30, 2004. Accordingly, the Office response was filed within 4 months and accordingly the Office did not fail to meet the four month requirement under 37 CFR 1.702(a)(2). Overall, the proper amount of PTA is 197 days at issuance.

After the mailing of the Office action, the file will be forwarded to the Office of Patent Publications for a prompt issuance of a certificate of correction. If applicants disagree with this determination, the application should file a response within thirty (30) days of the mail date of this letter. No extensions of time are granted under 37 CFR 1.136. After thirty (30) days, the Office will issue a certificate of correction reflecting this decision.

Because applicants have submitted this letter in good faith and candor, the Office will not assess any fees concerning the determination of the proper amount of Patent Term Adjustment.

Any questions concerning this determination should be directed to Kery Fries, Senior Legal Advisor, Office of Patent Legal Administration, Office of Deputy Commissioner for Patent

Examination Policy at 571-272-7757.



Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

cc: Adjusted PAIR calculation
Draft Certificate of Correction